

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Lothar Steidler

Serial No.: To be assigned

Filed: October 17, 2003

For: SELF-CONTAINING
LACTOCOCCUS STRAIN

Examiner: To be assigned

Group Art Unit: To be assigned

Attorney Docket No.: 2676-6096US

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Person making Deposit: Christopher Haughton

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In compliance with the duty to disclose information material to patentability pursuant to 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 or PTO/SB/08 be considered by the Examiner and made of record. Copies of the listed documents are enclosed pursuant to 37 C.F.R. § 1.98(a).

In accordance with 37 C.F.R. § 1.97(g) and (h), filing of this Information Disclosure Statement is not to be construed as a representation that a search has been made or an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b). Further, no representation is made by Applicant herein that no other possible material information as defined in 37 C.F.R. § 1.56(b) exists.

U.S. Patent Documents

<u>U.S. Patent No.</u>	<u>Publication Date</u>	<u>Patentee</u>
US - 4,190,495	02-26-1980	Curtiss, III

Foreign Patent Documents

<u>Document No.</u>	<u>Publication Date</u>	<u>Patentee</u>
DE 42 31 764 A1	03-24-1994	Institut fur Pflanzengenetik
WO 95/10621	04-20-1995	Chr. Hansen's Laboratorium Danmark
WO 95/10614	04-20-1995	GX Biosystems A/S
WO 96/11277	04-18-1996	Dompe SPA
WO 96/40947	12-19-1996	Washington University
WO 97/14806	04-24-1997	Cambridge University Technical Services Limited
WO 98/31786	07-23-1998	Microbial Technics Limited
WO 99/58652	11-18-1999	GX Biosystems A/S
WO 00/23471	04-27-2000	Vlaams Interuniversitair Instituut voor Biotechnologie VZW
WO 02/090551 A2	11-14-2002	Vlaams Interuniversitair Instituut voor Biotechnologie VZW
EP 0 406 003 A1	01-02-1991	University College

Other Documents

ROSS, et al., Thymidylate Synthase Gene from *Lactococcus lactis* as a Genetic Marker: an Alternative to Antibiotic Resistance Genes, *Applied and Environmental Microbiology*, July 1990, pp. 2164-69, Vol. 56, No. 7.

SCHOTTE et al., Secretion of biologically active murine interleukin-10 by *Lactococcus lactis*, *Enzyme and Microbial Technology*, 2000, pp. 761-65, Vol. 27.

STEIDLER et al., Treatment of Murine Colitis by *Lactococcus lactis* Secreting Interleukin-10, *Science*, August 25, 2000, pp. 135-55, Vol. 289.

TAYLOR et al., Molecular Characterization of the Cell Cycle-regulated Thymidylate Synthase Gene of *Saccharomyces cerevisiae*, *The Journal of Biological Chemistry*, April 15, 1987, pp. 5298-307, Vol. 262, No. 11.

PCT International Search Report, PCT/EP02/04942, dated January 13, 2003, 2 pages.

PCT International Preliminary Examination Report, PCT/EP02/04942, dated September 16, 2003, 5 pages.

In compliance with the duty to disclose information material to patentability pursuant to 37 C.F.R. § 1.56 & 1.175, Applicant offers hereby identifies the following listed copending applications naming the same inventor(s):

Attorney Docket No.: 2676-4779US
Serial No.: 09/838,718
Filing Date: 4/19/2001
Title: USE OF A CYTOKINE-PRODUCING LACTOCOCCUS STRAIN
TO TREAT COLITIS

Attorney Docket No.: 2887-5388.1US
Serial No.: 10/350,250
Filing Date: 1/22/2003
Title: DELIVERY OF BIOLOGICALLY ACTIVE POLYPEPTIDES

Attorney Docket No.: 2676-6096US

This Information Disclosure Statement is filed within three (3) months of the filing date of the above-identified application, and no certification pursuant to 37 C.F.R. § 1.97(c) or a fee pursuant to 37 C.F.R. § 1.17(p) is required.

Respectfully submitted,



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Date: October 13, 2003
ACT/bv

Enclosures: Form PTO-1449 or PTO/SB/08
Cited Documents
Document in ProLaw

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				<i>Complete if Known</i>	
				Application Number	To be assigned
				Filing Date	October 17, 2003.
				First Named Inventor	Lothar Steidler
				Group Art Unit	To be assigned
				Examiner Name	To be assigned
Sheet	1	of	2	Attorney Docket Number	2676-6096US

U.S. PATENT DOCUMENTS					
Examiner Initials *	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		US-4,190,495	02-26-1980	Curtiss, III	
		US-			
		US-			
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		US-			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
		DE 42 31 764 A1	03-24-1994	Institut für Pflanzen-genetik		
		WO 95/10621	04-20-1995	Chr. Hansen's Laboratorium Danmark		
		WO 95/10614	04-20-1995	GX Biosystems A/S		
		WO 96/11277	04-18-1996	Dompe SPA		
		WO 96/40947	12-19-1996	Washington University Cambridge		
		WO 97/14806	04-24-1997	University Technical Services Limited		
		WO 98/31786	07-23-1998	Microbial Technics Limited		
		WO 99/58652	11-18-1999	GX Biosystems A/S		
		WO 00/23471	04-27-2000	Vlaams Interuniversitair Instituut voor Biotechnologie VZW		
		WO 02/090551 A2	11-14-2002	Vlaams Interuniversitair Instituut voor Biotechnologie VZW		
		EP 0 406 003 A1	01-02-1991	University College		

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 2 of 2

Complete if Known

Application Number	To be assigned
Filing Date	October 17, 2003
First Named Inventor	Lothar Steidler
Group Art Unit	To be assigned
Examiner Name	To be assigned
Attorney Docket Number	2676-60961US

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		ROSS, et al., Thymidylate Synthase Gene from Lactococcus lactis as a Genetic Marker: an Alternative to Antibiotic Resistance Genes, Applied and Environmental Microbiology, July 1990, pp. 2164-69, Vol. 56, No. 7.	
		SCHOTTE et al., Secretion of biologically active murine interleukin-10 by Lactococcus lactis, Enzyme and Microbial Technology, 2000, pp. 761-65, Vol. 27.	
		STEIDLER et al., Treatment of Murine Colitis by Lactococcus lactis Secreting Interleukin-10, Science, August 25, 2000, pp. 135-55, Vol. 289.	
		TAYLOR et al., Molecular Characterization of the Cell Cycle-regulated Thymidylate Synthase Gene of Saccharomyces cerevisiae, The Journal of Biological Chemistry, April 15, 1987, pp. 5298-307, Vol. 262, No. 11.	
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